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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

Committee Substitute for Committee Substitute B.

SENATE BILL NO. 479

(By Senators Tomblin, Mr. President, et al)

PASSED April 14, 2001

In Effect July 1, 2001 ~~Passage~~

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 479

(SENATORS TOMBLIN, MR. PRESIDENT, ANDERSON,
BAILEY, BOWMAN, CHAFIN, EDGELL, FACEMYER, JACKSON,
LOVE, MCCABE, PREZIOSO, SHARPE, SNYDER,
SPOUSE AND REDD, *original sponsors*)

[Passed April 14, 2001; to take effect July 1, 2001.]

AN ACT to amend and reenact section five, article twelve-c, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section twelve, article four, chapter twenty-nine of said code; to amend and reenact sections five, nine and fifteen-b, article nineteen of said chapter; to amend and reenact section seven, article two, chapter twenty-nine-a of said code; to amend article one, chapter twenty-nine-c of said code by adding thereto a new section, designated section one hundred seven;

to amend and reenact section one hundred eight, article one, chapter thirty-one-b of said code; to amend and reenact section twelve, article four, chapter thirty-three of said code; to amend and reenact section five, article six-c, chapter forty-six-a of said code; to amend and reenact section seventeen, article two, chapter forty-seven of said code; to amend and reenact section one, article ten, chapter forty-seven-b of said code; and to amend and reenact section two, article one, chapter fifty-nine of said code, all relating to fees and charges for services of the secretary of state; the deposit of those fees; and creating an appropriated special revenue account.

Be it enacted by the Legislature of West Virginia:

That section five, article twelve-c, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section twelve, article four, chapter twenty-nine of said code be amended and reenacted; that sections five, nine and fifteen-b, article nineteen of said chapter be amended and reenacted; that section seven, article two, chapter twenty-nine-a of said code be amended and reenacted; that article one, chapter twenty-nine-c of said code be amended by adding thereto a new section, designated section one hundred seven; that section one hundred eight, article one, chapter thirty-one-b of said code be amended and reenacted; that section twelve, article four, chapter thirty-three of said code be amended and reenacted; that section five, article six-c, chapter forty-six-a of said code be amended and reenacted; that section seventeen, article two, chapter forty-seven of said code be amended and reenacted; that section one, article ten, chapter forty-seven-b of said code be amended and reenacted; and that section two, article one, chapter fifty-nine of said code be amended and reenacted, all to read as follows:

CHAPTER 11. TAXATION.

ARTICLE 12C. CORPORATE LICENSE TAX.

§11-12C-5. Annual fee of secretary of state as attorney-in-fact.

1 Every domestic and foreign corporation and every
2 domestic and foreign limited partnership shall pay an
3 annual fee of twenty-five dollars for the services of the
4 secretary of state as attorney-in-fact for the corporation or
5 limited partnership, which fee is due and payable at the
6 initial registration of the corporation and limited partner-
7 ship and every year thereafter with the same return,
8 collected by the same officers, and accounted for in the
9 same way as the annual license tax imposed on corpora-
10 tions under this article. The tax commissioner shall deposit
11 one-half of all attorney-in-fact fees collected under this
12 section in the state general revenue fund and one-half of
13 the fees in the service fees and collections account estab-
14 lished by section two, article one, chapter fifty-nine of this
15 code for the operation of the office of the secretary of
16 state. Any balance of attorney-in-fact fees previously
17 collected by the commissioner on behalf of the secretary of
18 state as provided by chapter two hundred five, acts of the
19 Legislature, regular session one thousand nine hundred
20 ninety-two, and remaining in the account to which those
21 deposits were made by the commissioner on or before the
22 thirtieth day of June, two thousand one, shall be trans-
23 ferred to the service fees and collections account estab-
24 lished by section two, article one, chapter fifty-nine of this
25 code for the operation of the office of the secretary of
26 state. The secretary of state shall dedicate sufficient
27 resources from that fund or other funds to provide the
28 services required in this article.

CHAPTER 29. MISCELLANEOUS BOARDS

AND OFFICERS.

ARTICLE 4. NOTARIES PUBLIC AND COMMISSIONERS.

§29-4-12. Commissioners out of state; qualifications; fee.

1 The governor, if he or she considers it proper, may
2 appoint any persons residing within or without this state

3 and within the United States, its territories or possessions
4 as commissioners to acknowledge signatures performed in
5 or out of state by persons residing in or out of the state of
6 West Virginia covering deeds, leases and other writings
7 pertaining to West Virginia property for recordation in the
8 state of West Virginia. The commissioners shall hold office
9 for ten years, unless sooner removed by the governor.
10 Before performing any duties as a commissioner, the
11 commissioner shall enter into a bond in the penalty sum of
12 one thousand dollars with corporate surety to be approved
13 by the secretary of state and filed in his or her office. A
14 fee of one hundred dollars for each commission issued
15 shall be paid to the secretary of state. All fees and moneys
16 collected by the secretary of state pursuant to the provi-
17 sions of this article shall be deposited by the secretary of
18 state as follows: One-half shall be deposited in the state
19 general revenue fund and one-half shall be deposited in
20 the service fees and collections account established by
21 section two, article one, chapter fifty-nine of this code for
22 the operation of the office of the secretary of state. The
23 secretary of state shall dedicate sufficient resources from
24 that fund or other funds to provide the services required in
25 this article.

ARTICLE 19. SOLICITATION OF CHARITABLE FUNDS ACT.

§29-19-5. Registration of charitable organizations; fee.

1 (a) Every charitable organization, except as provided in
2 section six of this article, which intends to solicit contribu-
3 tions within this state or to have funds solicited on its
4 behalf shall, prior to any solicitation, file a registration
5 statement with the secretary of state upon forms pre-
6 scribed by him or her which shall be good for one full year
7 and which shall be refiled in the next and each following
8 year in which the charitable organization is engaged in
9 solicitation activities. If an organization discontinues
10 solicitation at any time after its last registration filing,
11 then it shall file a registration statement reflecting its
12 activities during its last fiscal year in which solicitation in

13 West Virginia took place. It is the duty of the president,
14 chairman or principal officer of the charitable organiza-
15 tion to file the statements required under this article. The
16 statements shall be sworn to and shall contain the follow-
17 ing information:

18 (1) The name of the organization and the purpose for
19 which it was organized;

20 (2) The principal address of the organization and the
21 address of any offices in this state. If the organization does
22 not maintain an office, the name and address of the person
23 having custody of its financial records;

24 (3) The names and addresses of any chapters, branches
25 or affiliates in this state;

26 (4) The place where and the date when the organization
27 was legally established and the form of its organization;

28 (5) The names and addresses of the officers, directors,
29 trustees and the principal salaried executive staff officer;

30 (6) A copy of a balance sheet and a statement or report
31 of income and expenses for the organization's immediately
32 preceding fiscal year or a financial statement reporting
33 information showing the kind and amount of funds raised
34 during the preceding fiscal year, the costs and expenses
35 incidental to the fund raising and showing how the funds
36 were disbursed or allocated for the same fiscal year:
37 *Provided*, That for organizations raising more than fifty
38 thousand dollars per year in contributions, the balance
39 sheet and income and expense statement, or financial
40 statement provided, shall be audited by an independent
41 public accountant. Organizations are required to report
42 the amount of money raised in the state and the amount
43 spent in the state for charitable purposes;

44 (7) A copy of any determination of the organization's tax
45 exempt status under the provisions of 26 U.S.C. §501(c)(3)
46 and a copy of the last filed Internal Revenue Service form

47 990 and Schedule A for every charitable organization and
48 any parent organization;

49 (8) Whether the organization intends to solicit contribu-
50 tions from the public directly or have other solicitation
51 done on its behalf by others;

52 (9) Whether the organization is authorized by any other
53 governmental authority to solicit contributions and
54 whether it is or has ever been enjoined by any court from
55 soliciting contributions;

56 (10) The general purpose or purposes for which the
57 contributions to be solicited shall be used;

58 (11) The name or names under which it intends to solicit
59 contributions;

60 (12) The names of the individuals or officers of the
61 organization who will have final responsibility for the
62 custody of the contributions;

63 (13) The names of the individuals or officers of the
64 organization responsible for the final distribution of the
65 contributions; and

66 (14) Copies of all contract documentation from profes-
67 sional fund-raising counsels and professional solicitors as
68 provided for in subsection (d), section seven of this article.

69 (b) Each chapter, branch or affiliate, except an inde-
70 pendent member agency of a federated fund-raising
71 organization, may separately report the information
72 required by this section or report the information to its
73 parent organization which shall then furnish the informa-
74 tion regarding its West Virginia affiliates, chapters and
75 branches in a consolidated form to the secretary of state.
76 An independent member agency of a federated fund-
77 raising organization, as defined in section two of this
78 article, shall comply with the provisions of this article
79 independently. Each organization shall file a separate

80 registration form for each name under which funds will be
81 solicited.

82 (c) The registration forms and any other documents
83 prescribed by the secretary of state shall be signed by an
84 authorized officer or by an independent public accountant
85 and by the chief fiscal officer of the charitable organiza-
86 tion and shall be verified under oath.

87 (d) Every charitable organization collecting less than
88 one million dollars during any year which submits an
89 independent registration to the secretary of state shall pay
90 an annual registration fee of fifteen dollars; every charita-
91 ble organization collecting more than one million dollars
92 during one year which submits an independent registra-
93 tion to the secretary of state shall pay an annual registra-
94 tion fee of fifty dollars; and a parent organization filing on
95 behalf of one or more chapters, branches or affiliates or a
96 single organization filing under different names shall pay
97 a single annual registration fee of fifty dollars for itself
98 and the chapters, branches or affiliates included in the
99 registration statement. All fees and moneys collected by
100 the secretary of state pursuant to the provisions of this
101 article shall be deposited by the secretary of state as
102 follows: One-half shall be deposited in the state general
103 revenue fund and one-half shall be deposited in the
104 services fees and collections account established by section
105 two, article one, chapter fifty-nine of this code for the
106 operation of the office of the secretary of state. The
107 secretary of state shall dedicate sufficient resources from
108 that fund or other funds to provide the services required in
109 this article.

110 (e) For good cause shown, the secretary of state may
111 extend the due date for the annual filing of a registration
112 statement or report for a period not to exceed ninety days.
113 During that period, the previously filed registration
114 statement or report of the charitable organization which
115 has been granted the extension remains in effect.

116 (f) In addition to the registration fee required by this
117 section, a charitable organization and/or professional
118 fund-raiser, which fails to file a registration statement or
119 report by the original or extended due date for filing as
120 required by this section shall, for each month or part of the
121 month thereafter in which the registration statement or
122 report is not filed, pay an additional fee of twenty-five
123 dollars: *Provided*, That the total amount of the additional
124 fees for a registration statement or report required to be
125 filed in any one year shall not exceed five hundred dollars.
126 All fees and monies collected by the secretary of state
127 pursuant to the provisions of this article shall be deposited
128 by the secretary of state as follows: One-half shall be
129 deposited in the state general revenue fund and one-half
130 shall be deposited in the service fees and collections
131 account established by section two, article one, chapter
132 fifty-nine of this code for the operation of the office of the
133 secretary of state. Any balance remaining on the thirtieth
134 day of June, two thousand one, in the existing special
135 revenue account entitled "charitable organization fund" as
136 established by chapter thirty-four, acts of the Legislature,
137 regular session, one thousand nine hundred ninety two,
138 shall be transferred to the service fees and collections
139 account established by section two, article one, chapter
140 fifty-nine of this code for the operation of the secretary of
141 state. The secretary of state shall dedicate sufficient
142 resources from that fund or other funds to provide the
143 services required in this article.

**§29-19-9. Registration of professional fund-raising counsel and
professional solicitor; bonds; records; books.**

1 (a) No person may act as a professional fund-raising
2 counsel or professional solicitor for a charitable organiza-
3 tion subject to the provisions of this article unless he or
4 she has first registered with the secretary of state. Appli-
5 cations for the registration shall be in writing under oath
6 or affirmation in the form prescribed by the secretary of
7 state and contain the information he or she requires. The

8 application for registration by professional fund-raising
9 counsel or professional solicitor shall be accompanied by
10 an annual fee in the sum of one hundred dollars. A part-
11 nership or corporation, which is a professional fund-
12 raising counsel or professional solicitor, may register for
13 and pay a single fee on behalf of all its members, officers,
14 agents and employees. However, the names and addresses
15 of all officers, agents and employees of professional fund-
16 raising counsel and all professional solicitors, their
17 officers, agents, servants or employees employed to work
18 under the direction of a professional solicitor shall be
19 listed in the application. All fees and moneys collected by
20 the secretary of state pursuant to the provisions of this
21 article shall be deposited by the secretary of state as
22 follows: One-half shall be deposited in the state general
23 revenue fund and one-half shall be deposited in the service
24 fees and collections account established by section two,
25 article one, chapter fifty-nine of this code for the operation
26 of the office of the secretary of state. The secretary of state
27 shall dedicate sufficient resources from that fund or other
28 funds to provide the services required in this article.

29 (b) The applicant shall, at the time of the making of an
30 application, file with and have approved by the secretary
31 of state a bond in which the applicant shall be the princi-
32 pal obligor in the sum of ten thousand dollars and which
33 shall have one or more sureties satisfactory to the secre-
34 tary of state whose liability in the aggregate as such
35 sureties will at least equal the said sum and maintain the
36 bond in effect so long as a registration is in effect. The
37 bond shall run to the state for the use of the secretary of
38 state and any person who may have a cause of action
39 against the obligor of the bonds for any losses resulting
40 from malfeasance, nonfeasance or misfeasance in the
41 conduct of solicitation activities. A partnership or corpo-
42 ration which is a professional fund-raising counsel or
43 professional solicitor may file a consolidated bond on
44 behalf of all its members, officers and employees.

45 (c) Each registration is valid throughout the state for a
46 period of one year and may be renewed for additional one-
47 year periods upon written application under oath in the
48 form prescribed by the secretary of state and the payment
49 of the fee prescribed in this section.

50 (d) The secretary of state or his or her designee shall
51 examine each application and if he or she finds it to be in
52 conformity with the requirements of this article and all
53 relevant rules and the registrant has complied with the
54 requirements of this article and all relevant rules, he or she
55 shall approve the registration.

§29-19-15b. Civil penalty for intentional violations.

1 In any action brought pursuant to the provisions of this
2 article, if the court finds that intentional violations have
3 occurred, the state, upon petition to the court and in
4 addition to any damages awarded any party or parties,
5 may recover attorney fees and a civil penalty not exceed-
6 ing three times the amount collected in that civil action. Of
7 any funds recovered as provided for in this section and any
8 other funds recovered by the state as the result of an
9 award for damages, penalties or settlements in enforcing
10 this article, one-half shall be deposited in the state general
11 revenue fund and one-half shall be deposited in the service
12 fees and collections account established by section two,
13 article one, chapter fifty-nine of this code for the opera-
14 tions of the office of the secretary of state. Any balance
15 remaining on the thirtieth day of June, two thousand one,
16 in the existing special revenue account entitled "charitable
17 organization fund" as established by chapter thirty-four,
18 acts of the Legislature, regular session, one thousand nine
19 hundred ninety-two, shall be transferred to the service fees
20 and collections account established by section two, article
21 one, chapter fifty-nine of this code for the operation of the
22 office of the secretary of state. The secretary of state shall
23 dedicate sufficient resources from that fund or other funds
24 to provide the services required in this article.

**CHAPTER 29A. STATE ADMINISTRATIVE
PROCEDURES ACT.**

ARTICLE 2. STATE REGISTER.

§29A-2-7. Publication of state register.

1 (a) The Legislature intends that the secretary of state
2 offer to the public convenient and efficient access to copies
3 of the state register or parts of the state register desired by
4 the citizens. The provisions of this section are enacted in
5 order to provide a means of doing so pending any other
6 means provided by law or legislative rule.

7 (b) All materials filed in the state register shall be
8 indexed daily in chronological order of filing with a brief
9 description of the item filed and a columnar cross index to:
10 (1) Agency; (2) section, article and chapter of the code to
11 which it relates and by which it is filed in the state regis-
12 ter; and (3) any other information in the description or
13 cross index as the secretary of state believes will aid a
14 citizen in using the chronological index.

15 (c) To give users of the code of state rules a means to
16 know whether the rule is being superseded by a version of
17 the rule that has become effective, but not yet been final-
18 filed, prepared, proofed and distributed, or may be super-
19 seded by a rule which is being proposed and promulgated
20 pursuant to article three but not yet final, the secretary of
21 state shall provide with each update of the code of state
22 rules, a copy of the rule monitor and its cross index which
23 shows the rules that have become effective but not yet
24 distributed and the rules which may be superseded by a
25 rule which is being proposed. The copy of the rule monitor
26 distributed with the updates of the code of state rules shall
27 state plainly that this version of the rule monitor only
28 shows the status of the promulgation of rules as of the date
29 of distribution of the update of the code of state rules and
30 that to obtain the most recent status of the rules, the user
31 should consult the rule monitor in the most recent publica-
32 tion of the state register. With the first distribution to

33 the loose-leaf version of the code of state rules, the
34 secretary of state shall also distribute a divider where the
35 current rule monitor shall be maintained. With the first
36 distribution, the secretary of state shall also include
37 instructions, with a copy for insertion in or on the front of
38 each volume of the loose-leaf versions of the code of state
39 rules, to users on how the rule monitor can be used to
40 determine whether the version of the rule in the code of
41 state rules is currently in effect. This subsection is not to
42 be construed to require that subscribers to the updates of
43 the code of state rules receive a subscription to the state
44 register.

45 (d) The secretary of state shall cause to be duplicated in
46 such number as is required, on white paper with two
47 punches suitable for fastening in two-ring binders, the
48 permanent biennial state register, the chronological index
49 and other materials filed in the register, or any part by
50 agency or section, article or chapter for subscription at a
51 cost including labor, paper and postage, sufficient in his or
52 her judgment to defray the expense of duplication. The
53 secretary of state shall also offer, at least at monthly
54 intervals, supplements to the published materials listed in
55 this subsection. Any subscription for monthly supplements
56 shall be offered annually and shall include the chronologi-
57 cal index and materials related to the agency or agencies,
58 or section, article or chapter of the code as a person may
59 designate. A person may limit the request to notices only,
60 to notices and rules or to notices and proposed rules, or
61 any combination thereof.

62 (e) Every two years, the secretary of state shall offer for
63 purchase succeeding biennial permanent state registers
64 which shall consist of all rules effective on the date of
65 publication selected by the secretary of state, which date
66 shall be at least two years from the last publication date
67 and materials filed in the state register relating to the
68 rules. The cost of the succeeding biennial permanent state
69 register and for the portion relating to any agency or any

70 section, article or chapter of the code which may be
71 designated by a person purchasing the same shall be fixed
72 in the same manner specified in section eleven of this
73 article.

74 (f) The secretary of state may omit from any duplication
75 made pursuant to subsection (e) of this section any rules
76 the duplication of which would be unduly cumbersome,
77 expensive or otherwise inexpedient, if a copy of the rules
78 is made available from the original filing of the rule, at a
79 price not exceeding the cost of duplication, and if the
80 volume from which the rule is omitted includes a notice in
81 that portion of the publication in which the rule would
82 have been located, stating: (1) The general subject matter
83 of the omitted rule; (2) each section, article and chapter of
84 this code to which the omitted rule relates; and (3) the
85 means by which a copy of the omitted rule may be ob-
86 tained.

87 (g) The secretary of state may propose changes to the
88 procedures outlined in subsection (f) of this section by
89 proposing a legislative rule under the provisions of section
90 nine, article three of this chapter, but may promulgate no
91 rules containing those changes unless authorized by the
92 Legislature pursuant to article three of this chapter.

93 (h) Beginning the first day of July, two thousand one,
94 one-half of the fees and amounts collected for the sale of
95 the state register, the code of state rules and other copies
96 or data provided by the secretary of state shall be depos-
97 ited in the state general revenue fund and one-half of the
98 fees in the service fees and collections account established
99 by section two, article one, chapter fifty-nine of this code
100 for the operations of the office of the secretary of state.
101 Any balance remaining on the thirtieth day of June, two
102 thousand one, in the existing special revenue account
103 entitled "state register" as established by chapter one
104 hundred twenty-one, acts of the Legislature, regular
105 session, one thousand nine hundred eighty-two, shall be
106 transferred to the service fees and collections account

107 established by section two, article one, chapter fifty-nine
108 of this code for the operation of the office of the secretary
109 of state. The secretary of state shall dedicate sufficient
110 resources from that fund or other funds to provide the
111 services required in this article.

CHAPTER 29C. UNIFORM NOTARY ACT.

ARTICLE 1. GENERAL PROVISIONS.

§29C-1-107. Disposition of fees.

1 All fees and moneys collected by the secretary of state
2 pursuant to the provisions of this article shall be deposited
3 by the secretary of state as follows: One-half shall be
4 deposited in the state general revenue fund and one-half
5 shall be deposited in the service fees and collections
6 account established by section two, article one, chapter
7 fifty-nine of this code for the operation of the office of the
8 secretary of state. The secretary of state shall dedicate
9 sufficient resources from that fund or other funds to
10 provide the services required in this article.

CHAPTER 31B. UNIFORM LIMITED LIABILITY COMPANY ACT.

ARTICLE 1. GENERAL PROVISIONS.

§31B-1-108. Designated office and agent for service of process.

1 (a) A limited liability company and a foreign limited
2 liability company authorized to do business in this state
3 shall designate and continuously maintain in this state:

4 (1) An office, which need not be a place of its business in
5 this state; and

6 (2) An agent and street address of the agent for service
7 of process on the company.

8 (b) An agent shall be an individual resident of this state,
9 a domestic corporation, another limited liability company

10 or a foreign corporation or foreign company authorized to
11 do business in this state.

12 (c) Every limited liability company shall pay an annual
13 fee of twenty-five dollars for the services of the secretary
14 of state as attorney-in-fact for the limited liability com-
15 pany, which fee shall be due and payable at the initial
16 registration of the limited liability company and every
17 year thereafter the same time that the annual report
18 required under section two hundred eleven, article two of
19 this chapter is due and one-half of each fee shall be
20 deposited in the state fund, general revenue and one-half
21 of the fees in the service fees and collections account
22 established by section two, article one, chapter fifty-nine
23 of this code for the operation of the office of the secretary
24 of state. The secretary of state shall dedicate sufficient
25 resources from that fund or other funds to provide the
26 services required in this chapter.

27 (d) The secretary of state shall keep a record of all
28 processes, notices and demands served pursuant to this
29 section and record the time of and the action taken
30 regarding the service.

31 (e) This section does not affect the right to serve process,
32 notice or demand in any manner otherwise provided by
33 law.

CHAPTER 33. INSURANCE.

ARTICLE 4. GENERAL PROVISIONS.

§33-4-12. Service of process on licensed insurers.

1 The secretary of state shall be, and is hereby constituted,
2 the attorney-in-fact of every licensed insurer, domestic,
3 foreign or alien, transacting insurance in this state, upon
4 whom all legal process in any action, suit or proceeding
5 against it shall be served and he or she may accept service
6 of the process. The process shall be served upon the
7 secretary of state, or accepted by him or her, in the same

8 manner as provided for service of process upon unlicensed
9 insurers under subdivisions (2) and (3), subsection (b),
10 section thirteen of this article. Each licensed insurer shall
11 pay to the secretary of state an annual fee of twenty-five
12 dollars for services as authorized agent for service of
13 process, one-half of which shall be deposited in the state
14 fund, general revenue and one-half of the fees in the
15 service fees and collections account established by section
16 two, article one, chapter fifty-nine of this code for the
17 operation of the office of the secretary of state.

**CHAPTER 46A. WEST VIRGINIA CONSUMER CREDIT
AND PROTECTION ACT.**

ARTICLE 6C. CREDIT SERVICES ORGANIZATIONS.

§46A-6C-5. Registration.

1 (a) A credit services organization shall file a registration
2 statement with the secretary of state before conducting
3 business in this state. The registration statement shall
4 contain:

5 (1) The name and address of the credit services organiza-
6 tion; and

7 (2) The name and address of any person who directly or
8 indirectly owns or controls ten percent or more of the
9 outstanding shares of stock in the credit services organiza-
10 tion.

11 (b) The registration statement shall also contain either:

12 (1) A full and complete disclosure of any litigation or
13 unresolved complaint filed with a governmental authority
14 of this state relating to the operation of the credit services
15 organization; or

16 (2) A notarized statement that states that there has been
17 no litigation or unresolved complaint filed with a govern-
18 mental authority of this state relating to the operation of
19 the credit services organization.

20 (c) The credit services organization shall update the
21 statement not later than the ninetieth day after the date on
22 which a change in the information required in the state-
23 ment occurs.

24 (d) Each credit services organization registering under
25 this section shall maintain a copy of the registration
26 statement in the files of the credit services organization.
27 The credit services organization shall allow a buyer to
28 inspect the registration statement on request.

29 (e) The secretary of state may charge each credit services
30 organization that files a registration statement with the
31 secretary of state a reasonable fee not to exceed one
32 hundred dollars to cover the cost of filing. The secretary of
33 state may not require a credit services organization to
34 provide information other than that provided in the
35 registration statement. All fees and moneys collected by
36 the secretary of state pursuant to the provisions of this
37 article shall be deposited by the secretary of state as
38 follows: One-half shall be deposited in the state fund,
39 general revenue and one-half shall be deposited in the
40 service fees and collections account established by section
41 two, article one, chapter fifty-nine of this code for the
42 operation of the office of the secretary of state. The
43 secretary of state shall dedicate sufficient resources from
44 that fund or other funds to provide the services required in
45 this article.

46 (f) The bond or surety account shall be maintained until
47 two years after the date that the credit services organiza-
48 tion ceases operations.

CHAPTER 47. REGULATION OF TRADE.

ARTICLE 2. TRADEMARKS IN GENERAL.

§47-2-17. Fees.

1 (a) The secretary shall charge the following fees for
2 services provided pursuant to the provisions of this article:

3 (1) For an application fee and for a renewal fee, fifty
4 dollars; and

5 (2) For recording any instrument specified in section
6 seven of this article, twenty-five dollars.

7 (b) One-half of each fee shall be deposited in the state
8 fund, general revenue and one half of the fee shall be
9 deposited in the service fees and collections account
10 established by section two, article one, chapter fifty-nine
11 of this code for the operation of the office of the secretary
12 of state. Any balance remaining on the thirtieth day of
13 June, two thousand one, in the existing special revenue
14 account entitled "trademarks" as established by chapter
15 two hundred forty-nine, acts of the Legislature, regular
16 session, one thousand nine hundred ninety-six, shall be
17 transferred to the service fees and collections account
18 established by section two, article one, chapter fifty-nine
19 of this code for the operation of the office of the secretary
20 of state. The secretary of state shall dedicate sufficient
21 resources from that fund or other funds to provide the
22 services require in this article.

CHAPTER 47B. UNIFORM PARTNERSHIP ACT.

ARTICLE 10. LIMITED LIABILITY PARTNERSHIPS.

§47B-10-1. Registered limited liability partnerships.

1 (a) To become a registered limited liability partnership,
2 a partnership shall file with the secretary of state a
3 statement of registration stating the name of the partner-
4 ship; the address of its principal office; if the partnership's
5 principal office is not located in this state, the address of
6 a registered office and the name and address of a regis-
7 tered agent for service of process in this state, which the
8 partnership will be required to maintain; a brief statement
9 of the business in which the partnership engages; any other
10 matters that the partnership determines to include; and
11 that the partnership thereby registers as a registered
12 limited liability partnership.

13 (b) The registration shall be executed by one or more
14 partners authorized to execute a registration.

15 (c) The registration shall be accompanied by a fee of two
16 hundred fifty dollars.

17 (d) The secretary of state shall register as a registered
18 limited liability partnership any partnership that submits
19 a completed registration with the required fee.

20 (e) A partnership registered under this section shall pay,
21 in each year following the year in which its registration is
22 filed, on a date specified by the secretary of state, an
23 annual fee of five hundred dollars. The fee shall be
24 accompanied by a notice, on a form provided by the
25 secretary of state, of any material changes in the informa-
26 tion contained in the partnership's registration.

27 (f) Registration is effective:

28 (1) Immediately after the date a registration is filed; or

29 (2) On a date specified in the statement of registration,
30 which date shall not be more than sixty days after the date
31 of filing.

32 (g) Registration remains effective until:

33 (1) It is voluntarily withdrawn by filing with the secre-
34 tary of state a statement of withdrawal; or

35 (2) Thirty days after receipt by the partnership of a
36 notice from the secretary of state, which shall be sent by
37 certified mail, return receipt requested, that the partner-
38 ship has failed to make timely payment of the annual fee
39 specified in subsection (e) of this section, unless the fee is
40 paid within a thirty-day period.

41 (h) The status of a partnership as a registered limited
42 liability partnership and the liability of the partners
43 thereof shall not be affected by:

44 (1) Errors in the information contained in a statement of
45 registration under subsection (a) of this section or notice
46 under subsection (e) of this section; or

47 (2) Changes after the filing of the statement of registra-
48 tion or notice in the information stated in the registration
49 or notice.

50 (i) The secretary of state shall provide forms for the
51 statement of registration under subsection (a) of this
52 section or a notice under subsection (e) of this section.

53 (j) All fees and moneys collected by the secretary of state
54 pursuant to the provisions of this article shall be deposited
55 by the secretary of state as follows: One-half shall be
56 deposited in the state general revenue fund and one-half
57 shall be deposited in the service fees and collections
58 account established by section two, article one, chapter
59 fifty-nine of this code for the operation of the office of the
60 secretary of state. The secretary of state shall dedicate
61 sufficient resources from that fund or other funds to
62 provide the services required in this article.

CHAPTER 59. FEES, ALLOWANCES AND COSTS; NEWSPAPERS; LEGAL ADVERTISEMENTS.

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-2. Fees to be charged by secretary of state.

1 (a) Except as may be otherwise provided in this code, the
2 secretary of state shall charge for services rendered in his
3 or her office the following fees to be paid by the person to
4 whom the service is rendered at the time it is done:

5 (1) For filing, recording, indexing, preserving a record of
6 and issuing a certificate relating to the formation, amend-
7 ment, change of name, registration of trade name, merger,
8 consolidation, conversion, renewal, dissolution, termina-
9 tion, cancellation, withdrawal revocation and reinstatement
10 of business entities organized within the state, as
11 follows:

12	(A) Articles of incorporation of for-profit	
13	corporation	\$50.00
14	(B) Articles of incorporation of nonprofit	
15	corporation	25.00
16	(C) Agreement of a general partnership	50.00
17	(D) Certificate of a limited partnership	100.00
18	(E) Agreement of a voluntary association	50.00
19	(F) Articles of organization of a business trust . .	50.00
20	(G) Amendment or correction of articles of incorpora-	
21	tion, including change of name or increase of capital stock,	
22	in addition to any applicable license tax	25.00
23	(H) Amendment or correction, including change of name,	
24	of articles of organization of business trust, limited	
25	liability partnership, limited liability company or profes-	
26	sional limited liability company or of certificate of limited	
27	partnership or agreement of voluntary association	25.00
28	(I) Amendment and restatement of articles of incorpora-	
29	tion, certificate of limited partnership, agreement of	
30	voluntary association or articles of organization of limited	
31	liability partnership, limited liability company or profes-	
32	sional limited liability company or business trust .	25.00
33	(J) Registration of trade name, otherwise designated as	
34	a true name, fictitious name or D.B.A. (doing business	
35	as) name for any domestic business entity as permitted	
36	by law	25.00
37	(K) Articles of merger of two corporations, limit-	
38	ed partnerships, limited liability partnerships,	
39	limited liability companies or professional limited	
40	liability companies, voluntary associations or business	
41	trusts.	25.00
42	(L) Plus for each additional party to the merger in excess	
43	of two.	15.00

44	(M) Statement of conversion, when permitted, from one	
45	business entity into another business entity, in addition to	
46	the cost of filing the appropriate documents to organize	
47	the surviving entity	25.00
48	(N) Articles of dissolution of a corporation, voluntary	
49	association or business trust, or statement of dissolution of	
50	a general partnership	25.00
51	(O) Revocation of voluntary dissolution of a corporation,	
52	voluntary association or business trust	15.00
53	(P) Articles of termination of a limited liability com-	
54	pany, cancellation of a limited partnership or statement of	
55	withdrawal of limited liability partnership	25.00
56	(Q) Reinstatement of a limited liability company or	
57	professional limited liability company after administrative	
58	dissolution	25.00
59	(2) For filing, recording, indexing, preserving a record of	
60	and issuing a certificate relating to the registration,	
61	amendment, change of name, merger, consolidation,	
62	conversion, renewal, withdrawal or termination within	
63	this state of business entities organized in other states or	
64	countries, as follows:	
65	(A) Certificate of authority of for-profit corpor-	
66	ation	\$100.00
67	(B) Certificate of authority of nonprofit corpor-	
68	ation	50.00
69	(C) Certificate of exemption from certificate of	
70	authority	25.00
71	(D) Registration of a general partnership	50.00
72	(E) Registration of a limited partnership	150.00
73	(F) Registration of a limited liability partnership for	
74	two-year term	500.00

75	(G) Registration of a voluntary association	50.00
76	(H) Registration of a trust or business trust	50.00
77	(I) Amendment or correction of certificate of authority	
78	of a foreign corporation, including change of name or	
79	increase of capital stock, in addition to any applicable	
80	license tax	25.00
81	(J) Amendment or correction of certificate of limited	
82	partnership, limited liability partnership, limited liability	
83	company or professional limited liability company,	
84	voluntary association or business trust	25.00
85	(K) Registration of trade name, otherwise designated as	
86	a true name, fictitious name or D.B.A. (doing business as)	
87	name for any foreign business entity as permitted by	
88	law	25.00
89	(L) Amendment and restatement of certificate of author-	
90	ity or of registration of a corporation, limited partnership,	
91	limited liability partnership, limited liability company or	
92	professional limited liability company, voluntary associa-	
93	tion or business trust	25.00
94	(M) Articles of merger of two corporations, limit-	
95	ed partnerships, limited liability partnerships,	
96	limited liability companies or professional limited	
97	liability companies, voluntary associations or business	
98	trusts	25.00
99	(N) Plus for each additional party to the merger in	
100	excess of two	5.00
101	(O) Statement of conversion, when permitted, from one	
102	business entity into another business entity, in addition to	
103	the cost of filing the appropriate articles or certificate to	
104	organize the surviving entity	25.00
105	(P) Certificate of withdrawal or cancellation of a	
106	corporation, limited partnership, limited liability partner-	

107 ship, limited liability company, voluntary association or
108 business trust 25.00

109 (3) For receiving, filing and recording a change of the
110 principal or designated office, change of the agent of
111 process and/or change of officers, directors, partners,
112 members or managers, as the case may be, of a corpora-
113 tion, limited partnership, limited liability partnership,
114 limited liability company or other business entity as
115 provided by law 15.00

116 (4) For receiving, filing and preserving a reservation of
117 a name for each one hundred twenty days or for any other
118 period in excess of seven days prescribed by law for a
119 corporation, limited partnership, limited liability partner-
120 ship or limited liability company 15.00

121 (5) For issuing a certificate relating to a corporation or
122 other business entity, as follows:

123 (A) Certificate of good standing of a domestic or foreign
124 corporation \$10.00

125 (B) Certificate of existence of a domestic limited liability
126 company, and certificate of authorization foreign limited
127 liability company 10.00

128 (C) Certificate of existence of any business entity,
129 trademark or service mark registered with the secretary of
130 state 10.00

131 (D) Certified copy of corporate charter or comparable
132 organizing documents for other business entities . 15.00

133 (E) Plus, for each additional amendment, restatement or
134 other additional document 5.00

135 (F) Certificate of registration of the name of a foreign
136 corporation, limited liability company, limited partnership
137 or limited liability partnership 25.00

138 (G) And for the annual renewal of the name regis-
139 tration 10.00

- 140 (H) Any other certificate not herein specified . . 10.00
- 141 (6) For issuing a certificate other than those relating to
142 business entities, as provided in this subsection, as follows:
 - 143 (A) Certificate or apostille relating to the authority of
144 certain public officers, including the membership of
145 boards and commissions \$10.00
 - 146 (B) Plus, for each additional certificate pertaining to the
147 same transaction 5.00
 - 148 (C) Any other certificate not herein specified . . . 10.00
 - 149 (D) For acceptance, indexing and recordation of service
150 of process any corporation, limited partnership, limited
151 liability partnership, limited liability company, voluntary
152 association, business trust, insurance company, person or
153 other entity as permitted by law 15.00
 - 154 (E) For shipping and handling expenses for execution of
155 service of process by certified mail upon any defendant
156 within the United States, which fee is to be deposited to
157 the special revenue account established in this section for
158 the operation of the office of the secretary of state. 5.00
 - 159 (F) For shipping and handling expenses for execution of
160 service of process upon any defendant outside the United
161 States by registered mail, which fee is to be deposited to
162 the special revenue account established in this section for
163 the operation of the office of the secretary of state. 15.00
- 164 (7) For a search of records of the office conducted by
165 employees of or at the expense of the secretary of state
166 upon request, as follows:
 - 167 (A) For any search of archival records maintained at
168 sites other than the office of the secretary of state, no less
169 than \$10.00

170 (B) For searches of archival records maintained at sites
171 other than the office of the secretary of state which require
172 more than one hour, for each hour or fraction thereof
173 consumed in making such search 10.00

174 (C) For any search of records maintained on site for the
175 purpose of obtaining copies of documents or printouts of
176 data 5.00

177 (D) For any search of records maintained in electronic
178 format which requires special programming to be per-
179 formed by the state information services agency or other
180 vendor, any actual cost, but not less than 25.00

181 (E) The cost of the search shall be in addition to the cost
182 of any copies or printouts prepared or any certificate
183 issued pursuant thereto or based thereon.

184 (F) For recording any paper for which no specific fee is
185 prescribed 5.00

186 (8) For producing and providing photocopies or print-
187 outs of electronic data of specific records upon request, as
188 follows:

189 (A) For a copy of any paper or printout of electronic
190 data, if one sheet \$1.00

191 (B) For each sheet after the first50

192 (C) For sending the copies or lists by fax trans-
193 mission 5.00

194 (D) For producing and providing photocopies of lists,
195 reports, guidelines and other documents produced in
196 multiple copies for general public use, a publication price
197 to be established by the secretary of state at a rate approx-
198 imating 2.00 plus .10 per page and rounded to the nearest
199 dollar.

200 (E) For electronic copies of records obtained in data
201 format on disk, the cost of the record in the least expensive

202 available printed format, plus, for each required disk,
203 which shall be provided by the secretary of state . . 5.00

204 (b) The secretary of state may promulgate legislative
205 rules for charges for on-line electronic access to database
206 information or other information maintained by the
207 secretary of state.

208 (c) For any other work or service not enumerated in this
209 subsection, the fee prescribed elsewhere in this code or a
210 rule promulgated under the authority of this code.

211 (d) The records maintained by the secretary of state are
212 prepared and indexed at the expense of the state and those
213 records shall not be obtained for commercial resale
214 without the written agreement of the state to a contract
215 including reimbursement to the state for each instance of
216 resale.

217 (e) The secretary of state may provide printed or elec-
218 tronic information free of charge as he or she considers
219 necessary and efficient for the purpose of informing the
220 general public or the news media.

221 (f) There is hereby established in the state treasury a
222 special revenue account to be known as the "service fees
223 and collections" account. Expenditures from the account
224 shall be used for the operation of the office of the secretary
225 of state and are not authorized from collections, but are to
226 be made only in accordance with appropriation by the
227 Legislature and in accordance with the provisions of
228 article three, chapter twelve of this code and upon the
229 fulfillment of the provisions set forth in article two,
230 chapter five-a of this code. Notwithstanding any other
231 provision of this code, one-half of all the fees and service
232 charges established in the following sections and for the
233 following purposes shall be deposited by the secretary of
234 state or other collecting agency to that special revenue
235 account and used for the operation of the office of the
236 secretary of state;

237 (1) The annual attorney-in-fact fee for corporations and
238 limited partnerships established in section five, article
239 twelve-c, chapter eleven of this code;

240 (2) The fees received for the sale of the state register,
241 code of state rules and other copies established by rule and
242 authorized by section seven, article two, chapter twenty-
243 nine-a of this code;

244 (3) The registration fees, late fees and legal settlements
245 charged for registration and enforcement of the charitable
246 organizations and professional solicitations established in
247 sections five, nine and fifteen-b, article nineteen, chapter
248 twenty-nine of this code;

249 (4) The annual attorney-in-fact fee for limited liability
250 companies as designated in section one hundred eight,
251 article one, chapter thirty-one-b of this code and estab-
252 lished in section two hundred eleven, article two of said
253 chapter;

254 (5) The filing fees and search and copying fees for
255 uniform commercial code transactions established by
256 section five hundred twenty-five, article nine, chapter
257 forty-six of this code;

258 (6) The annual attorney-in-fact fee for licensed insurers
259 established in section twelve, article four, chapter thirty-
260 three of this code;

261 (7) The fees for the application and record maintenance
262 of all notaries public established by section one hundred
263 and seven, article one, chapter twenty-nine-c of this code;

264 (8) The fees for the application and record maintenance
265 of commissioners for West Virginia as established by
266 section twelve, article four, chapter twenty-nine of this
267 code;

268 (9) The fees for registering credit service organizations
269 as established by section five, article six-c, chapter forty
270 six-a of this code;

271 (10) The fees for registering and renewing a West
272 Virginia limited liability partnership as established by
273 section one, article ten, chapter forty-seven-b of this code;

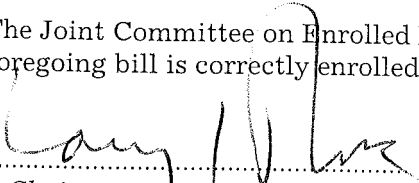
274 (11) The filing fees for the registration and renewal of
275 trademarks and service marks established in section
276 seventeen, article two, chapter forty-seven of this code;

277 (12) All fees for services, the sale of photocopies and
278 data maintained at the expense of the secretary of state as
279 provided in this section; and

280 (13) All registration, license and other fees collected by
281 the secretary of state not specified in this section.

282 (g) Any balance in the service fees and collections
283 account established by this section which exceeds five
284 hundred thousand dollars as of the thirtieth day of June,
285 two thousand three, and each year thereafter, shall be
286 expired to the state fund, general revenue fund.

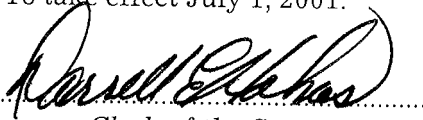
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

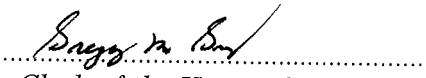

.....
Chairman Senate Committee

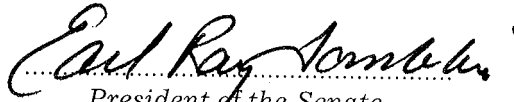

.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2001.

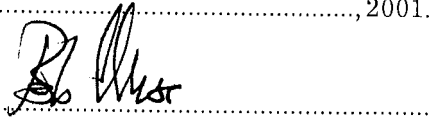

.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within is approved this the 2nd
Day of April, 2001.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/01

Time 5:08 pm